

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>DARRIN TROY AMOS, Plaintiff, vs. JOSHUA KLEMIK, UNIT MANAGER, MDSP; TRAVIS TJEERDSMA, CASE MANAGER, MDSP; TAMMY DEJONG, UNIT COORDINATOR, MDSP; JIM HALSEY, CULTURAL AFFAIRS COORDINATOR (CAC), MDSP; MICHAEL MEYER, CORRECTIONAL OFFICER (CO), MDSP; SPAK, CO, MDSP; MS. NIXON, CO, MDSP; ROBERT DOOLEY, WARDEN, MDSP, DIRECTOR OF PRISON OPERATIONS FOR SD DOC; AND UNKNOWN DEPARTMENT OF CORRECTIONS STAFF, Defendants.</p>	<p>4:15-CV-04044-KES REPORT AND RECOMMENDATION</p>
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Plaintiff Darrin Troy Amos filed this prisoner civil rights action on January 30, 2015. On May 29, 2015, the court ordered Mr. Amos' complaint to be served. To-date, service has not been made on any of the defendants. Further, mail sent to Mr. Amos has been returned by the post office as undeliverable with the notation "released from S.D. Dept of Corr." Mr. Amos has not advised the court of his new address.

By order dated October 5, 2015, Plaintiff was advised of Federal Rule of Civil Procedure 4(m) which provides:

Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

Mr. Amos was advised he had until October 30, 2015, to serve the defendants and that if service was not made by that date his case would be dismissed without prejudice. To-date, service has not been made and no further activity has taken place in the case.

Accordingly, it is RECOMMENDED that this case be dismissed without prejudice.

NOTICE TO PARTIES

The parties have fourteen (14) days after service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained. Failure to file timely objections will result in the waiver of the right to appeal questions of fact. Objections must be timely and specific in order to require de novo review by the District Court. Thompson v. Nix, 897 F.2d 356 (8th Cir. 1990); Nash v. Black, 781 F.2d 665 (8th Cir. 1986).

DATED this 18th day of November, 2015.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge